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Grigor Demirchyan, and Marina Demirchyan

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Consumer Financial Protection
Bureau,

Plaintiff,

v.

D and D Marketing, Inc., d/b/a
T3Leads, Grigor Demirchyan, and
Marina Demirchyan,

Defendants.

Case No. 2:15-cv-09692-PSG(Ex)

Hon. Philip S. Gutierrez

**DECLARATION OF HERBERT P.
KUNOWSKI IN SUPPORT OF REPLY TO
OPPOSITION TO DEFENDANTS'
MOTION FOR CERTIFICATION OF
INTERLOCUTORY APPEAL AND
CONCOMITANT STAY**

**Hearing Date: March 27, 2017
Hearing Time: 1:30 p.m.
Courtroom: 6A
Courthouse: First Street**

DECLARATION OF HERBERT P. KUNOWSKI

I, Herbert P. Kunowski, declare as follows:

1. I am an attorney at law duly licensed and admitted to practice before all the courts in the State of California, including this U.S. District Court, and a member of the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, counsel of record for Defendants, D and D Marketing, Inc., d/b/a T3 Leads, Grigor Demirchyan, and Marina Demirchyan (collectively "Defendants"), in the above-captioned action brought by Plaintiff, Consumer Financial Protection Bureau (the "Bureau"). I have personal knowledge of the matters stated herein, and could and would competently testify to the following under oath.

2. On January 6, 2017, in response to the Bureau's counsel, Barry Reiferson, requesting that the parties schedule a Rule 26(f) conference, I requested Mr. Reiferson to stipulate to a 60-day continuance of the Scheduling Conference in this case (then set for March 20), to allow a sufficient opportunity for the Court to rule in the interim on Defendants' motion for certification of interlocutory appeal and concomitant stay (filed on December 27 and then set for hearing on the earliest date then available on the Court's online calendar: March 6). In suggesting this continuance, I sought to potentially avoid the substantial waste of resources and expense entailed from a Rule 26(f) conference through the Scheduling Conference in this fact, witness and document-intensive case. Alternatively, I suggested to Mr. Reiferson on January 6 that the Bureau

1 agree to file its opposition to Defendants' certification motion earlier than required, that
2 Defendants would likewise agree to file their reply earlier than required, and that
3 Defendants' fully-briefed motion may then be ruled upon by the Court earlier than
4 expected. As I explained to Mr. Reiferson, both of my proposals were solely for
5 purposes of ensuring the fair, orderly and efficient progress of this litigation by first
6 having the certification motion adjudicated and allowing Defendants to otherwise pursue
7 their potential appellate remedies on the constitutional issues in this case. However, Mr.
8 Reiferson advised me on January 6 that the Bureau would not stipulate to either of my
9 proposals, and would oppose Defendants seeking such relief. In response to my inquiry
10 as to why the Bureau was unwilling to agree to either of my proposals that I told Mr.
11 Reiferson should be in the best interest of all concerned, Mr. Reiferson would only say
12 that it was not for the Bureau to "manage" the Court's calendar.
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17 3. Consistent with the foregoing, and contrary to the declaration of Mr.
18 Reiferson and the Bureau's other representations to this Court, my clients never agreed
19 to participate in a Rule 26(f) conference on February 27, and I rejected Mr. Reiferson's
20 requests for me to confirm my clients' participation.
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1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct this 13th day of March 2017 at Los Angeles,
3 California.
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6 By: /s/ Herbert P. Kunowski
7 Herbert P. Kunowski, Declarant
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